



## BURR RIDGE SUBDIVISION ORDINANCE

### SECTION X DEDICATION OF PARK LAND OR PAYMENT OF FEES IN LIEU THEREOF

As a condition of approval of a final plat of development, a final plat of subdivision, or a final plat of or Special Use permit for a planned unit development, each subdivider or developer will be required to dedicate land for park and recreational purposes to serve the immediate and future needs of the residents of the development, or make a cash contribution in-lieu-of actual land dedication, or a combination of both, at the option of the Village, in accordance with the following criteria and formula:

#### A. Criteria for Requiring Park and Recreation Land Dedication

##### 1. Requirements and Population Ratio:

The total requirement shall be 10 acres of land per 1,000 residents, except that in any development, subdivision or planned unit development zoned R-1, R-2 or R-2A, the total requirement shall be 5.5 acres of land per 1,000 residents. Illustrated uses include:

**Table X-A  
Recreation Area Sizes**

<b>Types of Recreation Area</b>	<b>Size Range</b>	<b>Maximum Acres Per 1,000 People</b>
(a) Play lot	Minimum 8,000 sq. ft.	Not Applicable
(b) School-park	Minimum park of 5 acres	2.25
(c) Neighborhood Park	Minimum 3-1/2 acres	1.5
(d) District-Wide Park or Play Field	Minimum 4 acres, up to 30 acres	4.0
(e) Community Wide Recreation Park	Minimum 12 acres, up to 30 acres	4.0
<b>Total</b>		<b>10 acres of land per 1000 people</b>



2. Acceptable Size

The minimum size of parcels that shall be deemed acceptable for dedication shall be based on the following criteria:

- a. Where the land is to be all useable for recreational purposes (no storm water management), the minimum size of the donation shall be three and one half (3-1/2) acres.
- b. Where the donation is to include detention or retention facilities a minimum of one and one half (1-1/2) acres of land above the high water level (HWL) shall be required. This land shall be contiguous in one location. Where the above criteria cannot be met, a cash contribution in-lieu thereof shall be required. No storm water management area shall be accepted for park purposes without the above criteria being met first.

3. Location

The comprehensive Park and Recreation Plans and/or the "Standards by Types of Recreation and Park Area" as adopted by the Burr Ridge Park District and/or the Pleasant Dale Park District shall be used as guideline in locating sites. A central location which will service equally the entire development is most desirable. In large developments these sites can be located throughout the development according to established standards for park area distances set forth in Recreation Park and Open Spaces Standards and Guidelines. Additional guidelines which shall be considered in locating sites include, but are not limited to, size of the subdivision, proximity of the site to other parks, schools and municipal services, topography and shape of the site of not less than five (5) acres shall be located adjacent to each elementary school site.

4. Credit for Private Open Spaces and Recreation Areas

Subdividers and developers may provide their own open space for recreation areas and facilities. Such open space may qualify at the option of the Village, in lieu of dedicated open space. In determining whether to allow any such open space to qualify as dedicated open space under this Ordinance, the Village will consider such factors as, but not limited to, the degree that such open space meets the needs of the residents, the degree to which the demand for public parks will be reduced, the degree to which the open space will be accessible to all residents, and the degree to which it is in conformance to the total park and recreation land requirements for the general area and the Village's Comprehensive Plan. If the open space provided by the subdivider or developer does not completely satisfy the requirements of this Ordinance, the Village may credit such subdivider or developer with such partial compliance. The subdivider or developer will then be required to contribute sufficient other land, or cash in-lieu thereof, to meet the total park and recreation land requirements of the extent of development of the facilities donated by the developer



and the extent of development of the facilities donated by the developer. The developer shall offer any and all guarantees that the village requires with respect to ongoing maintenance of dedicated areas, and the Village shall consult with the Park District in which the development is located with respect to these guarantees. Any area reserved for exclusively private use will not be deemed to meet the requirements of this Ordinance.

**B. Criteria for Requiring a Contribution in-lieu-of Park Land**

Where the subdivision or development is small and resulting site is, in the opinion of the Village, too small to be practical or when the available land, in the opinion of the Village, is inappropriate for park and recreational purposes, the Village shall require the subdivider or developer to pay a cash contribution in-lieu-of the land dedication required. The cash contribution in-lieu-of park and recreation land dedication shall be paid to the Village which shall then pay said contributions over to the park district and such contributions shall be held in trust by the park district in which the development is located solely for the acquisition and/or improvement of land, as herein below classified, which will be available to serve the immediate or future needs of the residents of that development, subdivision or planned unit development or for the improvement of other existing local park and recreation land which already serves such needs. In the event that the development is not located within a park district, the cash contributions in-lieu-of park and recreation land dedication shall be paid to and held in trust by the Village solely for the acquisition and/or improvement of land, as herein below classified, which will be available to serve the immediate or future needs of the residents of that development, subdivision or planned unit development or for the improvement of other existing local park and recreation land which already serves such needs. Provided, however, the Village shall hold any such funds for a development that is not in a park district in a segregated account for a minimum of three years before expending any such funds for such purposes. The Village shall have the right to request and receive from the affected park districts annual audit reports and any other information the Village may need from time to time to insure compliance with this Ordinance. If any portion of a cash contribution in-lieu-of park and recreation land dedication is not expended for the purposes set forth herein within ten (10) years from the date of receipt, the Village or park district holding the funds shall refund such contribution to the owners of record of all lots, except lots dedicated pursuant to the provisions of this Ordinance, in the development, subdivision, or planned unit development for which such contribution was made. (Amended by Ordinance A-41-2-89)

**1. Acquisition Using Cash in-lieu-of Park Land Donations**

- a. The term acquisition as used in this ordinance shall mean - the acquiring of land by purchase, condemnation or such other means as may be appropriate and shall be a minimum of three and one-half (3-1/2) acres in size.
- b. The acquired land shall not be for "special" use facilities (i.e. slough, river edge, remnant forest, community swimming pool, etc.)



- c. The acquired land shall support the type of facilities as defined in "Improvement" below.
- 2. Improvement Using Cash in-lieu-of Park Land Donations
  - a. Where existing park lands will serve the needs of the development, the cash contribution in-lieu-of land dedication shall be used for the following types of physical improvements:
    - (1) play lots
    - (2) hard surface courts (tennis, basketball, tetherball)
    - (3) pathways (walkways, jogging and cycle paths)
    - (4) sport fields (baseball, soccer, football)
    - (5) picnic facilities (tables, grills, etc.)
    - (6) open shelters and restroom facilities
    - (7) support facilities (i.e. parking, drinking fountains, security lighting).
  - b. The types of improvements that will not qualify for expenditure of cash-in-lieu funds shall be generally defined as those facilities "that are self-sustaining" i.e. public golf course; recreation building (indoor swimming pool, tennis, ice rink), interpretive trails and center, boat launching facilities or other such facilities for which a fee is charged for their use.

3. Fair Market Value

The cash contribution in lieu of land shall be based on the sum of the fair market value of a vacant, unimproved, and unsubdivided acre of land in the Village and the estimate of the Village Engineer as to the cost of improving such land with electrical utilities, water, sewer, and streets, including enclosed drainage and curbs and gutters, and all other improvements required under this Subdivision Regulations Ordinance. All cash contribution calculations shall be made by the Village, and the affected park districts shall refer all developers to the Village for such calculations. It has been determined that the fair market value of a vacant, unsubdivided acre of land in and surrounding the Village is \$105,000 as of April 26, 2004; increasing to \$155,000 for all plats approved on or after May 1, 2005; and increasing to \$239,000 for all plats approved on or after January 1, 2006. The estimate of the Village Engineer as to the cost of improvements is \$45,000, for a combined total of \$150,000 as of April 26, 2004; increasing to \$200,000 on May 1, 2005, and increasing to \$284,000 on January 1, 2006; and such figure of \$150,000, \$200,000, and \$284,000 respectively, shall be used in making any calculation herein unless the subdivider, developer, or the park district files a written objection thereto. In the event of any such objection, the



developer shall, at his cost and by a Member of Appraisal Institute (M.A.I.), submit an appraisal showing the "fair market value" of the land in the development or other evidence thereof and final determination of said "fair market value" per acre of such vacant, unimproved, unsubdivided land shall be made by the Village Board based upon such information submitted by the subdivider or developer and from other sources which may be submitted to the Village Board by the Burr Ridge Park District or the Pleasant Dale Park District or others. The Village on its own motion or at the request of the Burr Ridge Park District and/or the Pleasant Dale Park District may from time to time amend this provision to provide for different fair market value for parcels that are deemed by the Burr Ridge Park District and/or Pleasant Dale Park District and the Village to be of greater or lesser value. Refer to Appendices VIII-A to VIII-I.

(Amended by Ord. 894-01-04; further amended by Ord. A-894-01-05)

Cash contributions shall be paid at the time set forth in Section IXA, J Below; provided, however, an owner may, on written request to the Village submitted at the time of application for approval of final plat pay one half of the required contribution at the time of final plat approval with the balance to be paid six months after the date of final plat approval provided the balance due is secured by an irrevocable letter of credit in a form and from an issuer approved by the Village at the time of final plat approval. If the developer so chooses to pay the required contribution in two installments, the amount of the second installment shall be based on the then current price per acre of land and Engineer's estimate of the cost of improvements as computed hereunder (for example, if the figure is \$114,600 at the time of final plat approval but is changed within the next six months to \$120,000, the second installment shall be determined by re-computing the entire contribution on the basis of \$120,000 per acre and then dividing that amount by two). (Amended by Ordinance A-41-2-89)

4. Criteria for Requiring Dedication and a Fee

There may be situations when both a land dedication and a cash contribution are necessary. These occasions may arise, among others, when:

- a. If it is determined by the Village that the land to be dedicated for a park site within a development contains fewer acres than the amount called for by this ordinance, a cash contribution shall be required for the difference between the amount of land called for by this ordinance and the amount of land which is actually to be dedicated.
- b. If a major part of a local park or recreation site has already been acquired and only a small portion of land is needed for the development to complete the site, the remaining portions shall be required by dedication, and a cash contribution for the difference shall be required.



**C. Density Formula for Park Donation**

Table X-B, Population Density, is generally indicative of current and short range projected trends in family size for a new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contribution in-lieu-of unless a written objection is filed thereto by the subdivider or developer:

**1. Objections to Density Formula**

In the event a subdivider or developer files a written objection to the Table of Estimated Ultimate Population listed herein and submits his own demographic study showing the estimated additional population to be generated from the subdivision or planned unit development, a final determination of the density formula to be used in such calculations shall be made by the Village Board based upon such demographic information as the Village shall require. It is recognized that population density, age distribution and local conditions change over the years, and the specific formula for the dedication of land, or the payment of fees in-lieu-of, as stated herein, is subject to periodic review and amendment if necessary.

**TABLE X-B**  
**ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT\***

<b>CHILDREN PER UNIT</b>							
<b>Type of Unit</b>	<b>Pre-School</b>	<b>Elementary</b>	<b>Junior High</b>		<b>High School</b>		<b>Total Per Unit</b>
<b>Grades</b>		<b>K-5</b>	<b>6-8</b>	<b>K-8</b>	<b>9-12</b>	<b>Adults</b>	
<b>Age</b>	<b>0-4</b>	<b>5-10</b>	<b>11-13</b>	<b>5-13</b>	<b>14-17</b>	<b>18-up</b>	
<b>Detached Single Family:</b>							
<b>2 Bedrooms</b>	.102	.122	.041	.163	.020	1.694	1.979
<b>3 Bedrooms</b>	.256	.358	.143	.501	.146	1.962	2.865
<b>4 Bedrooms</b>	.413	.474	.303	.777	.307	2.176	3.673
<b>5 or More Bedrooms</b>	.231	.317	.231	.548	.212	2.606	3.597



**Section X**  
**Dedication of Park Land or Payment of Fees in lieu Thereof**

<b>Attached Single-Family (Townhouse, Rowhouse, Qualriplex, etc.)</b>							
<b>1 Bedroom</b>	0	0	0	0	0	1.068	1.068
<b>2 Bedrooms</b>	.091	.094	.077	.171	.037	1.775	2.074
<b>3 Bedrooms</b>	.229	.212	.063	.275	.067	1.808	2.380
<b>4 Bedrooms</b>	.346	.321	.169	.490	.183	2.317	3.336
<b>Apartments:</b>							
<b>Efficiency</b>	0	0	0	0	0	1.360	1.360
<b>1 Bedroom</b>	0	0	0	0	0	1.734	1.734
<b>2 Bedrooms</b>	.041	.080	.039	.119	.038	1.554	1.752
<b>3 Bedrooms</b>	.063	.203	.117	.320	.093	2.310	2.786

\*This table was compiled by the Illinois School Consulting Services, Naperville, Illinois, 1989.

2. Presumed Density Formula

In applying the above table of population density to a subdivision for which the types of units and number of bedrooms cannot reasonably be determined from the data on file with the Village at the time the application for final plat approval is complete, the following types of units and bedroom data shall be used unless written objection is filed thereto by the subdivider or developer:

Detached Single Family: Four Bedroom unit per lot.

Attached Single Family: Equal mix of two and three bedroom units at maximum unit density permitted by applicable zoning.

Low Density Apartment: Equal mix of two and three bedroom units at maximum unit density permitted by applicable zoning.

High Density Apartment: Equal mix of one and two bedroom units at maximum unit density permitted by applicable zoning.

D. Reservation of Additional Land

Where the comprehensive plan of the Village calls for a larger amount of park and recreational land in a particular proposed development, subdivision or planned unit



development than the developer is required to dedicate, the land needed beyond the developer's contribution shall, if so determined by the Village Board, be designated by the Village provided that such acquisition is made within one year for the date of approval of the final plat.

**E. Combining with Adjoining Developments**

Where the subdivision or planned unit development is less than forty (40) acres, public open space which is to be dedicated should, where possible, be combined with dedications for adjoining developments in order to produce sale recreation areas in park sites without hardship on a particular developer.

**F. Topography and Grading**

The slope, topography and geology of the dedicated site as well as its surroundings must be suitable for its intended purposes. Grading on sites dedicated for park and recreational uses shall not differ greatly from surrounding land and shall be as outlined in the "Public Park Site Standards" attached hereto and made a part hereof as Exhibit A.

**G. Improved Sites**

All sites shall be dedicated in a condition ready for full service of electrical, water, sewer and streets (including enclosed drainage and curbs and gutter) as applicable to the location of the site, or acceptable provision made therefor.

**H. Title to Sites**

All sites to be dedicated shall be conveyed to the Village either by warranty or trustee's deed, or such form of conveyance as the Village shall require. The subdivider or developer shall be responsible for conveying good, merchantable title to such sites, and shall be responsible for payment of all real estate taxes to the date of conveyance, including any agricultural roll back taxes which might be extended or levied against such sites. In the discretion of the Village, a commitment for title insurance issued by a company authorized to do business in Illinois may be required as evidence of clear title. Conveyance shall occur only after or simultaneously with the passage of an ordinance by the Park District in which the development is located (or by the Village if the development is not located within a Park District), in which it indicates that the property will be accepted by the Park District or Village for park purposes. Immediately thereafter, the Village shall convey such property to the Park District in which the property is located, if any.

**I. Time for Dedication or Payment of Fees in-lieu Thereof**

The dedication of park lands or payments of fees in lieu thereof shall be made by the owner of land within ten days after the land is annexed to the Village or prior to or at the time of the approval of the final plat of subdivision or in a final plat of planned unit development, whichever is first to occur, except as otherwise provided in Section XA-B-3 hereof.





**J. Expenditure of Cash Contributions**

Any cash contributions received by Park District hereunder must be spent solely for land or other improvements to be located entirely within the corporate limits of the Village of Burr Ridge. (Lettered per Ordinance A-4-2-89)

**K. Indemnification**

Except as otherwise provided below, the affected Park Districts shall be required, as a condition of receiving the donations hereunder, to indemnify and hold harmless the Village of Burr Ridge from any loss, claims and causes of actions of every kind incurred by the Village as a result, either directly or indirectly, of the passage of this Ordinance, or the administration or enforcement thereof, including any so incurred as a result of a lawsuit brought or threatened by the affected Park Districts. If the Village is sued by any subdivider or developer as a result, directly or indirectly, of the passage of this Ordinance, the Village may, at its option, undertake the defense thereof but all costs and expenses of such defense, including attorneys' fees, shall be immediately reimbursed by the affected Park District. The Village may withhold delivery of any contribution to a Park District pending compliance with these indemnity provisions. (Lettered per Ordinance A-4-2-89)

1. Where the Village receives land or fees in-lieu-thereof and fails to convey property to the affected Park District or expends funds for Village use (i.e., police car, water well) and suit is filed, the Village shall defend against such suit and pay for all costs and expenses incurred from such suit, including attorneys' fees. (Numbered per Ordinance A-4-2-89)
2. Where Park Districts improperly use funds or fail to use funds and do not return same as specified in this Ordinance, the Village may sue the affected Park District and shall be entitled to recover as part of the judgement therein, or any settlement thereof, all costs and expenses, including attorneys' fees, incurred by the Village. (Numbered per Ordinance A-41-2-89)
3. Unless otherwise specifically provided, the above indemnification provisions shall be an implied condition of every intergovernmental contract entered into pursuant to this Ordinance. (Numbered per Ordinance A-41-2-89)

**L. Covenant Not to Sue**

The affected Park Districts covenant and agree, in addition to the indemnification provided in Section 5 of this Ordinance, not to sue the Village for any claim arising, directly or indirectly, out of the passage of this Ordinance, or the administration or enforcement thereof, except for a violation covered by Subsection A of Section 5. (Lettered per Ordinance A-41-2-89)